



CITY OF AKRON, OHIO
POLICE DIVISION
KENNETH R. BALL II, CHIEF OF POLICE

NUMBER P-2017-068	EFFECTIVE DATE October 16, 2017	RESCINDS P-17-068 Issued 9-25-17
SUBJECT In-Custody Death or Serious Injury Investigation Procedure		ISSUING AUTHORITY Chief Kenneth R. Ball, II

I. POLICY

The Investigative Subdivision is responsible for the prompt and thorough investigation of incidents involving Akron police officers acting under color of law who use force that causes or could have caused serious injury to any person, or are the victims of any person who causes or attempts to cause serious injury, or have a person in custody who dies. This policy covers these incidents whether they are accidental, intentional, on duty, off duty, or criminal; however, it is not meant to cover unintentional traffic crashes.

II. PROCEDURE

A. RESPONDING TO A SCENE

1. Initial Patrol Bureau responsibilities:
 - a. Officers shall render the scene safe and account for all possible suspects and victims, including having the involved officers check themselves for injuries. After the suspects are secured or known to have left the scene, render first aid / request medical assistance as needed and notify a supervisor.
 - b. Officers shall promptly obtain public safety information from the officer(s) involved in the incident. The public safety interview shall be limited to obtaining outstanding suspect information, approximate number and direction of any shots fired, perimeter of the incident scene, identity of known or potential witnesses, and identity of injured parties. If practicable, the officer conducting the public safety interview shall record information obtained in writing while the interview is occurring.
 - c. Officers shall immediately act on the public safety information to render aid as needed and secure evidence, suspects, and witnesses.
 - d. Officers shall establish inner and outer crime scene perimeters, initiate the crime scene log, limit entry into the inner perimeter to those responsible for providing first aid and to the investigators assigned to the case, and provide the initial assessment to responding officers, supervisors, and detectives.

- e. Should an officer require transport for treatment, he/she should be accompanied by another officer. Suspects and witnesses transported for medical treatment should be accompanied by officers, if available, or met at the hospital as soon as possible.
2. Patrol Bureau supervisor responsibilities:
 - a. The officer in charge shall separate the involved officers if there is more than one, direct the officer(s) to a nearby sequestered location away from public and media view, and issue the following or like directive:

I advise you to not discuss this incident with anyone, including your supervisors and other officers, prior to the arrival of investigators, with the exception of your legal representative, spouse, clergy, or medical professional.
 1. One officer or supervisor should be sequestered with only one other officer. A union representative should be used if one is present. If not, assign an available officer. The job of this assigned officer is to be present, provide aid to the officer involved, and ensure that the involved officer does not discuss the case with anyone except those individuals identified above.
 2. Ensure that the officers involved are sequestered on scene until they have done a walk-through with the responding investigators and other investigative needs are determined and completed.
 - b. Make an initial determination on the size and number of crime scenes. Ensure crime scene security is established by taping off the area, limiting access to investigators only, and ensuring that a crime scene log is being kept. Review and adjust as needed. Ensure the perimeter is adequately staffed.
 - c. Once the scene is safe and secure, the supervisor on scene shall direct officers involved in the incident and those managing the scene to turn off their body worn cameras (BWC's) unless attempting to record statements of the subject of the deadly force, other suspects or eyewitnesses. Officers actively engaged in conflict with non-police personnel on the scene may activate their BWC's for that limited purpose. The first supervisor assuming control of the scene shall collect body worn cameras worn by involved officers and those present during the incident. All BWC's and in-car video hard drives shall be turned over to the investigators at the scene. Investigative review and handling of recordings will be in compliance with the BWC and related procedures.
 - d. Establish a command post, announcing on the air its location, how it is identified and the preferred route to its location.
 - e. Establish a traffic management plan that helps control the scene while also minimizing the impact of street closures on the community.

- f. Notify the shift commander.
 - g. Brief investigators as they arrive on scene.
3. Shift Commander's responsibilities:
 - a. Respond to the command post. It is recommended that signage is utilized, marking the post's location, and that responding resources are reminded of its position. The majority of the scene management should be completed and directed from the command post to centralize control and communications.
 - b. Ensure continued crime scene security and traffic control by Patrol Bureau personnel.
 - c. Coordinate the use and availability of Patrol Bureau personnel to assist the investigators.
 - d. As soon as a Patrol Bureau shift commander learns that an officer or subject has suffered or caused a potentially serious injury, the Uniform and Investigative Subdivision commanders are to be notified. One of the subdivision commanders will notify the Chief of Police as soon as possible. If an officer suffers an injury that requires treatment at a hospital, the shift commander will determine if the injured officer is able to notify his family. If the injured officer is unable to make the notification, the shift commander will cause the family to be notified and arrange for the transportation of a spouse, friend, or family member to the hospital.
 - e. After the incident, ensure that arrangements are made for stress debriefing by Assist 77, the Critical Incident Stress Management (CISM) Team or similar entity. All officers directly involved in an incident involving serious injury or death will attend a mandatory counseling session with a CISM Team counselor. Officers secondarily involved are advised to attend a session with a CISM Team counselor.
 - f. Ensure that the officers most directly involved in the incident will be required to attend a mandatory fit-for-duty evaluation with counselors from the City of Akron Employee Assistance Program.
 - g. Ensure that, prior to returning to full duty, the officer(s) involved in a deadly force situation involving a firearm contact the Training Bureau commander to schedule a range training session. Follow up to ensure the range session was completed satisfactorily.
4. Investigative Subdivision personnel responsibilities:
 - a. The detective assigned to the desk will immediately notify the ranking detective supervisor on duty and brief him/her with the available information. Once known, the desk officer will announce on the appropriate dispatch channel the detective or DB supervisor who will be managing the initial investigation.

- b. The supervisor will send detectives to the scene of the incident and any other appropriate location, such as a hospital, and the ranking detective supervisor should go to the scene unless, in his/her judgement, the investigation would be better served by coordinating activities from the station.
- c. The investigators should respond to the command post and receive a briefing from the ranking officer on the scene. They should continue to assess the situation to ensure that the scene is secured and reassess as further information is received or developed during the course of the investigation.
- d. The detective supervisor on scene will determine the firearm make and model of any officer's weapon fired and direct a detective to bring matching weapons and ammunition to the scene to be exchanged for those fired. Weapon exchange should preserve fingerprint and DNA evidence and should occur out of sight of the public if possible. That detective will inspect the number of rounds in all magazines from officers directly involved regardless of whether or not they fired their weapons.
- e. In any firearms discharge in which the involved officer believes that a malfunction of the weapon or its ammunition contributed to the discharge, the weapon and ammunition involved will be secured in its present condition immediately following the discharge without any further functioning of the weapon or removal of ammunition. It should be treated as evidence and the secured weapon put in the sixth floor vault at the earliest possible opportunity. Upon receipt of the weapon, a certified department armorer will examine the weapon to determine if any malfunction exists. This step will be witnessed by another department authorized armorer. The weapon will be test fired before it is returned to the officer.
- f. Assess the need for a search warrant to complete the processing of the scene.
- g. Ensure Crime Scene Unit detectives and BCI crime scene investigators are called to process the scene. Determine if BCI has the resources to process the entire scene or if CSU will be needed to assist. Determine if the original taped off area is adequate to ensure that evidence is not lost or contaminated and consider the need to tape off an adjacent area for media and officials.
- h. Investigating detectives will conduct a walk-through with the officer(s) involved. This walk-through will be confined to a general briefing of what transpired prior to and during the incident. Detectives may ask questions, but more detailed questions will be reserved for the subsequent interview. One FOP representative and/or a FOP attorney shall be on scene to observe the walk-through. This is not meant to be an interrogation but rather an opportunity for the investigating detectives to more efficiently investigate and document the incident. Care should be taken not to cause undue stress to the involved officer(s) or to further contaminate the scene. Walk-throughs will not be recorded. Once the walk-through is completed, all non-assigned personnel shall vacate the crime scene until released by CSU.

- i. Determine additional personnel requirements. Factors to consider include, but are not limited to:
 - 1) The number of scenes to investigate and process.
 - 2) The number of officers, suspects, and victims involved.
 - 3) The number of witnesses to interview.
- j. Ensure that the commander and assistant commander of the Investigative Subdivision have been notified and briefed. Discuss any need for additional detective or crime scene personnel. If additional personnel are required, begin with on duty detectives assigned to other units such as Juvenile or Crimes Against Property Unit. A call-in may be necessary when the incident occurs during the evening or nighttime hours. In all cases, at least one detective assigned to the Crimes Against Persons Unit will be called to the scene. If more than one additional detective is needed, the call-in will begin with the detectives assigned to work the next scheduled shift.
- k. The following notifications will be made immediately after the subdivision commanders are notified:
 - 1) Police Legal Advisor in accordance with their notification roster.
 - 2) Summit County Prosecutor in accordance with their notification roster.
 - 3) President of the FOP or next available Executive Board Member.
- l. Those in the next series of notifications will be granted access to the crime scene **after** BCI and/or CSU has finished processing the scene but before the scene perimeter is removed:
 - 1) Public Information Officer
 - 2) Office of Professional Standards and Accountability
 - 3) Civil Liabilities Unit / Law Department
 - 4) Training Bureau Commander
 - 5) Police Auditor
 - 6) Victim Assistance or Children Who Witness Violence

B. RESPONSIBILITY FOR THE CONTINUING INVESTIGATION

1. The ranking on duty Detective Bureau supervisor:
 - a. Will provide a smooth transition and liaison between shifts and ensure that the responding Crimes Against Persons Unit detectives participate in the investigation and are kept informed.
 - b. Provide the supervisors from the next shift with a full briefing of the incident and status of the investigation.
 - c. Provide a draft copy of the incident report. All copies will be placed in the case file for the approval of the subdivision commander.
2. Detective Bureau Commander:
 - a. Coordinate and direct the continuing investigation and flow of information.
 - b. Provide updated information to the chief, deputy chiefs, investigators on all shifts, and the Public Information Officer, as needed.
 - c. Ensure that the involved officer's weapon(s) is returned/exchanged and that the Training Bureau commander is notified.

C. INVESTIGATION PROCEDURES

1. Interview of the involved officer(s) will be scheduled and conducted by the Crimes Against Persons Unit detectives. Although it is preferred that the interview occur after twenty-four hours but within forty-eight hours of the incident, changing circumstances may dictate that the interview will occur before or after that time period. This decision is at the discretion of investigators.
2. Involved officer(s) shall be provided a FOP shift representative, advised of their constitutional rights, and have access to counsel prior to and during questioning. They may cooperate with the criminal investigation, however, they are under no legal requirement to do so. Interviews of involved officers shall be tape-recorded.
3. The Chief of Police shall place the involved officer(s) on administrative leave, with pay, pending completion of formal interviews. During such leave, the officer will remain available, unless specifically excused by the Chief of Police.

D. INVESTIGATION OF OFFICER INVOLVED INCIDENTS REQUESTED BY OTHER LAW ENFORCEMENT AGENCIES

1. The on duty shift commander will respond to the scene and notify the Investigative Subdivision commander or his designee.
2. The Investigative Subdivision commander, or his designee, will determine if this procedure should be activated.

By Order Of,



Kenneth R. Ball, II
Chief of Police

Date 16 Oct 2017

OFFICER MOST KNOWLEDGEABLE:
MAJOR MICHAEL CAPREZ